

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ROBERT THOMAS IRVIN,)	
)	
Plaintiff)	
)	No. 3:15-0782
v.)	Judge Trauger/Bryant
)	
CLARKSVILLE DEPARTMENT OF)	
ELECTRICITY/CDE, DORA McCARY,)	
and KIM McMILLAN,)	
)	
Defendant)	

TO: THE HONORABLE ALETA A. TRAUGER

REPORT AND RECOMMENDATION

Plaintiff Irvin, who is proceeding *pro se* and *in forma pauperis*, has filed his motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure (Docket Entry No. 18). Despite being titled as a motion for summary judgment, Plaintiff's filing wholly fails to comply with the requirements of Rule 56 and Local Rule 56.01. Specifically, this motion is not accompanied by a separate, concise statement of the material facts as to which Plaintiff Irvin contends there is no genuine issue for trial, as required by Local Rule 56.01(b). Similarly, Plaintiff has failed to file a memorandum of law in support of his motion, as required by Local Rule 7.01(a). Finally, Plaintiff filed no declaration, affidavit, or other evidence of the facts upon which he basis this motion.

For all of the foregoing reasons, the undersigned Magistrate Judge finds that Plaintiff's motion for summary judgment (Docket Entry No. 18) is not supported as required by the foregoing rules, thus

making it impossible for the Court to adjudicate this motion on its merits.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge recommends that Plaintiff's motion for summary judgment (Docket Entry No. 18) be denied without prejudice to his filing a subsequent motion supported as required by the rules.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

ENTER this 1st day of February, 2016.

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge